

Applic. No. 10/036,250
Amdt. dated November 3, 2004
Reply to Office action of August 3, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1, 2, and 4-13 remain in the application. Claims 1, 2, 4, 8, and 9 have been amended. Claim 3 has been cancelled.

In item 2 on page 2 of the above-identified Office action, claims 9-12 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that it is not clear if the referenced chambers are the same. As noted in the previous response, it is believed to be clear that the chamber in the body of the claim is part of the device. Nevertheless, in order to facilitate prosecution of the application, claim 9 has been amended. The preamble now recites that the inner chamber for the drum is an "inner receiving chamber". Accordingly, the inner chamber in the body of the claim is clearly the inner chamber of the device. Therefore, the rejection by the Examiner is believed to have been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs.

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Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 4 on page 3 of the Office action, claims 1-13 have been rejected as being fully anticipated by James (U.S. Patent No. 4,717,510) under 35 U.S.C. § 102.

The rejection has been noted and claims 1 and 8 have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in Fig. 1 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 8 call for, *inter alia*:

a convex loss plate closing off the body, the convex loss plate having an opening formed therein.

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The James reference discloses a container for encapsulating waste material having a planar lid (11) with a thickened area surrounding its center for a screw-in adaptor (12).

The reference does not show a convex loss plate closing off the body, the convex loss plate having an opening formed therein, as recited in claims 1 and 8 of the instant application. The James reference discloses a lid that is planar with a thickened area surrounding its center. James does not disclose a convex lid. This is contrary to the invention of the instant application as claimed, in which a convex loss plate closes off the body, the convex loss plate having an opening formed therein.

Since claim 1 is believed to be allowable, dependent claims 2 and 4-7 are believed to be allowable as well.

Even though claims 1 and 8 are believed to be allowable, the following remarks pertain to the non-obviousness of claims 1 and 8.

The James reference discloses that a screw-in adaptor (12) is disposed in the center of the lid (11). The screw-in adaptor (12) has a flange that is only slightly larger than the

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thickened area of the lid (11). There is no motivation to provide James' container with a convex lid because the flange of the screw-in adaptor (12) does not span the diameter of the lid (11) and connect to the edge of the container.

Accordingly, a convex shape of the lid would not improve the sealing between the lid (11) and the flange of the screw-in adaptor (12). Furthermore, James teaches away from providing a convex lid on the container, because the screw-in adaptor (12) is threaded; a convex lid would cause a distortion of the threads and a binding of the screw-in adaptor (12).

The following remarks pertain to claims 9 and 13.

As will be explained below, it is believed that claims 9 and 13 were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Claims 9 and 13 call for, *inter alia*:

the cover having a side facing toward the receiving device, and the cover having at least one seal at the side for bearing on the loss plate.

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The James reference discloses that the lid (11) has a thickened area where the flange of the screw-in adaptor (12) is seated. There is no seal disposed between the screw-in adaptor and the lid (11).

The reference does not show the cover having a side facing toward the receiving device, and the cover having at least one seal at the side for bearing on the loss plate, as recited in claims 9 and 13 of the instant application. The James reference discloses that a flange of a screw-in adaptor is seated on a thickened area of the lid. James does not disclose a flange having a seal for bearing on the lid. This is contrary to the invention of the instant application as claimed, in which the cover has a side facing toward the receiving device, and the cover has at least one seal at the side for bearing on the loss plate.

Since claim 9 is believed to be allowable, dependent claims 10-12 are believed to be allowable as well.

Even though claims 10 and 11 are believed to be allowable, the following remarks pertain to claims 10 and 11.

Claim 10 of the instant application discloses a seal on the outer periphery of the cover which bears on the receiving

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device. The James reference discloses that the outer periphery of the screw-in adaptor (12) is not in contact with the lid (11). Accordingly, James does not disclose a seal disposed on the outer periphery of the screw-in adaptor (12). This is contrary to the invention of the instant application as claimed, in which a further seal is disposed on the outer periphery of the cover for bearing on the receiving device.

Claim 11 discloses a cleaning device for the inner chamber. The James reference does not disclose a cleaning device for the inner chamber.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 8, 9, or 13. Claims 1, 8, 9, and 13 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 9, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1, 2, and 4-13 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone

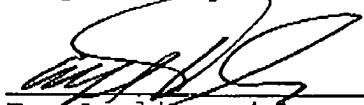
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call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

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